

UNITED STATES DISTRICT COURT

for the
District of Arizona

11-01-17
DCA
United States of America
v.
Alberto Eucario Lopez-Feria,
a.k.a.: Alberto Lopez-Feria,
(A078 101 784)
Defendant

Case No. 17-7537 MJ

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of November 1, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

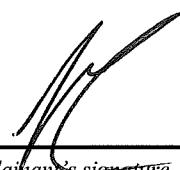
Alberto Eucario Lopez-Feria, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at El Paso, Texas, on or about January 17, 2006, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated by Reference Herein

REVIEWED BY: AUSA Brandon Brown for AUSA Margaret Perlmeter

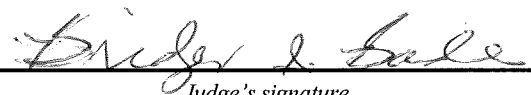
☒ Continued on the attached sheet.


Complainant's signature

Steven Case,
Deportation Officer
Printed name and title

Sworn to before me and signed in my presence.

Date: November 3, 2017


Judge's signature

City and state: Phoenix, Arizona

Bridget S. Bade,
United States Magistrate Judge
Printed name and title

STATEMENT OF PROBABLE CAUSE


I, Steven Case, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On November 1, 2017, Alberto Eucario Lopez-Feria was booked into the Maricopa County Jail (MCJ) intake facility by the Phoenix Police Department on local charges. While incarcerated at the MCJ, Lopez-Feria was examined by ICE Officer R. Lemme who determined him to be a Mexican citizen, illegally present in the United States. On the same date, an immigration detainer was lodged with the MCJ. On November 1, 2017, Lopez-Feria was released from the MCJ and transported to the Phoenix ICE office for further investigation and processing. Lopez-Feria was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Alberto Eucario Lopez-Feria to be a citizen of Mexico and a previously deported criminal alien. Lopez-Feria was removed from the United States to Mexico through El Paso, Texas, on or about January 17, 2006,

pursuant to an order of removal issued by an immigration judge. There is no record of Lopez-Feria in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Lopez-Feria's immigration history was matched to him by electronic fingerprint comparison.


4. Criminal history checks revealed that Alberto Eucario Lopez-Feria was convicted of Assault in the Second Degree, a felony offense, on August 29, 2005, in the Superior Court of Walla Walla County, Washington. Lopez-Feria was sentenced to nine (9) months' incarceration and twelve (12) months' probation. Lopez-Feria's criminal history was matched to him by electronic fingerprint comparison.
5. On November 1, 2017, Alberto Eucario Lopez-Feria was advised of his constitutional rights. Lopez-Feria freely and willingly acknowledged his rights and declined to make any further statements.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about November 1, 2017, Alberto Eucario Lopez-Feria, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near El Paso, Texas, on or about January 17, 2006, and not having obtained the express consent of the Secretary of the Department of Homeland

Security to reapply for admission thereto; in violation of Title 8, United States Code,
Section 1326(a), and enhanced by (b)(1).



Steven Case,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 3rd day of November, 2017.



Bridget S. Bade,
United States Magistrate Judge